

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF AUGUST 22, 2003
Recessed from regular meeting conducted on August 15, 2003

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on the 22nd day of August, 2003, at the Madison County Chancery/Administrative Building in Canton, Mississippi, as follows, to-wit:

The President of the Board, David H. Richardson, presided and called the meeting to order. The following members were present that day:

Present:

Absent:

Supervisor W.T. "Bill" Banks
Supervisor Marc Sharpe
Supervisor David H. Richardson
Supervisor Karl M. Banks
Supervisor Paul Griffin
Sheriff Toby Trowbridge
Mike Crook, Chancery Clerk

The President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor W.T. "Bill" Banks opened the meeting with a prayer and Supervisor Paul Griffin led the Pledge of Allegiance to the Flag of the United States of America.

President's Initials:_____

**In the Matter of Voiding a Tax Sale for
William L. and Roslinda M. Wells**

RESOLUTION

WHEREAS, the Board of Supervisors next took up a request from William L. Wells and Roslinda M. Wells seeking a relief for a tax sale regarding Parcel No. 81D-17-1/1 which was purchased on May 1, 2002 by Mr. and Mrs. Wells; and

WHEREAS, the Board of Supervisors reviewed the evidence presented by Mr. & Mrs. Wells and determined that Mr. & Mrs. Wells were good faith purchasers for value without notice of an increase in assessment which occurred on their property on May 17, 2002 and that said increase was therefore invalid and should be set aside and that the tax sale resulting therefrom should be voided.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI to void the August 2002 tax sale on Parcel No. 81D-17-1/1 on property assessed to Billy E. Graves and Deborah W. Graves now owned by William L. Wells and Roslinda M. Wells due to the inadequate notice provided to Mr. & Mrs. Wells of an increase on taxes which occurred on their property after their purchase.

After discussion on the matter, Supervisor Karl M. Banks offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor W.T. "Bill" Banks. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22nd day of August, 2003.

**In the Matter of the Petition for Rezoning Filed by
Richard Newman**

WHEREAS, the Board of Supervisors previously conducted a public hearing on the petition of Richard Newman seeking to rezone a tract of land in Madison County, Mississippi from R-1 Residential District to C-2 Highway Commercial District on August 8, 2003; and

WHEREAS, the Board of Supervisors after conducting said public hearing on August 8, 2003, voted to close said public hearing and continue the matter for further consideration by the Board.

Following additional discussion of this matter, Supervisor Karl M. Banks moved to deny the rezoning petition. However, said motion did not receive a second and was declared by Mr. David H. Richardson, President of said Board, as having failed due to a lack of a second.

President's Initials: _____

**In the Matter of the Adoption of an Ordinance Rezoning
Property for and on behalf of Richard Newman**

**ORDINANCE BY THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI,
AMENDING THE MADISON COUNTY ZONING ORDINANCE**

WHEREAS, Richard Newman, did file an Application to rezone certain property from its present R-1 Residential Use District Classification to a C-2 Highway Commercial Use District Classification; and

WHEREAS, by Resolution properly adopted by the Board of Supervisors on the 11th day of July, 2003, a hearing was set for the 8th day of August, 2003, at 10:00 o'clock a.m., and the Clerk did cause Notice of said hearing to be published in the Madison County Herald, a newspaper published and of general circulation in Madison County, Mississippi, in the manner and for the time required by law; and

WHEREAS, the hour of 10:00 o'clock a.m. on the 8th day of August, 2003, did arrive and the Board of Supervisors conducted a public hearing thereon and after full consideration of the evidence and facts presented by all those present did determine to close said public hearing and table said matter for further consideration; and

WHEREAS, the Board of Supervisors again considered said matter and after discussion thereof Supervisor Marc Sharpe offered the following Ordinance and moved that it be adopted, to wit:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI, AS FOLLOWS, TO WIT:

1. That the Board of Supervisors does hereby determine that the character of the neighborhood for the property owned by Mr. Newman and described in his petition has changed to such an extent as to justify reclassification and there is a public need for rezoning of Mr. Newman's property as set forth below.

2. That the following described tract of real property be, and the same is hereby, rezoned from its present R-1 Residential Use District Classification to C-1A Commercial Use District Classification, to wit:

PROPERTY DESCRIPTION:

The following described real property lying and being situated in the SE ¼ of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described as follows, to wit:

Commence at an iron bar marking the Northwest corner of the SE ¼ of aforesaid Section 20 and run thence South 0 degrees 28 minutes 30 seconds West, along the West boundary of the said SE ¼, 15.00 feet to an iron bar marking the Northwest corner of the Dorothy Holley property, as recorded in Deed Book 153 at Page 730 of the Chancery records of Madison County, Mississippi; run thence North 89 degrees 46 minutes 30 seconds East, along the South R.O.W. line of a County road and the North boundary of the said Holley property, 503.02 feet to the Northwest corner thereof; thence run N 89 degrees 46 minutes 30 seconds East, along the South R.O.W. line of said County road, 509.78 feet to an iron bar; run thence South 0 degrees 28 minutes 30 seconds West, 2620.21 feet to the North R.O.W. line of Gluckstadt Road; run thence South 89 degrees 52 minutes 16 seconds West, along the North R.O.W. line of Gluckstadt Road, 454.97 feet to the Point of Beginning for the property herein described. From said Point of Beginning run thence North 00 degrees 40 minutes 00 seconds West for a distance of 100.00 feet to a point; thence

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run North 89 degrees 52 minutes 16 seconds East for a distance of 226.99 feet to a point; thence run South 00 degrees 28 minutes 30 seconds West for a distance of 100.01 feet to the North R.O.W. line of Gluckstadt Road; thence run South 89 degrees 52 minutes 16 seconds West, along the North R.O.W. line of Gluckstadt Road, for a distance of 225.00 feet to the Point of Beginning. This parcel contains 0.52 acres, more or less.

That the Board of Supervisors after consideration of all the facts and matters presented determined that this portion of the property as previously requested by Mr. Newman to be rezoned to C-2 Highway Commercial District Classification would be better served to be designated as C-1A Commercial District Classification to provide a better buffer and transition between other properties in this area and the proposed use of said property on its northern end by Mr. Newman for a mini-storage warehouse facility and that under the terms and conditions of the Madison County Zoning Ordinance, the Madison County Land Use Plan and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

3. That the following described tract of real property being same is hereby rezoned from its present R-1 Residential Use District Classification to C-2 Highway Commercial Use District Classification, to-wit:

PROPERTY DESCRIPTION:

The following described real property lying and being situated in the SE ¼ of Section 20, Township 8 North, Range 2 East, Madison County, Mississippi, and being more particularly described as follows, to wit:

Commence at an iron bar marking the Northwest corner of the SE ¼ of aforesaid Section 20 and run thence South 0 degrees 28 minutes 30 seconds West, along the West boundary of the said SE ¼, 15.00 feet to an iron bar marking the Northwest corner of the Dorothy Holley property, as recorded in Deed Book 153 at Page 730 of the Chancery records of Madison County, Mississippi; run thence North 89 degrees 46 minutes 30 seconds East, along the South R.O.W. line of a County road and the North boundary of the said Holley property, 503.02 feet to the Northwest corner thereof; thence run N 89 degrees 46 minutes 30 seconds East, along the South R.O.W. line of said County road, 509.78 feet to an iron bar; run thence South 0 degrees 28 minutes 30 seconds West, 2620.21 feet to the North R.O.W. line of Gluckstadt Road; run thence South 89 degrees 52 minutes 16 seconds West, along the North R.O.W. line of Gluckstadt Road, 454.97 feet to a point; thence leaving said North R.O.W. line, run North 00 degrees 40 minutes 00 seconds West for a distance of 100.00 feet to the Point of Beginning for the property herein described. From said Point of Beginning run thence North 00 degrees 40 minutes 00 seconds West for a distance of 70.50 feet to a point; thence run West for a distance of 51.41 feet to a point; thence run North 00 degrees 28 minutes 30 seconds East for a distance of 399.38 feet to the center of a ditch; thence run North 74 degrees 54 minutes 26 seconds East, along said center of a ditch, for a distance of 290.45 feet to a point; thence leaving said center of a ditch run South 00 degrees 28 minutes 30 seconds West for a distance of 544.99 feet to a point; thence run South 89 degrees 52 minutes 16 seconds West for a distance of 226.99 feet to the Point of Beginning. This parcel contains 3.17 acres, more or less.

That the Madison County Zoning Ordinance, the Madison County Land Use Plan and the Zoning District Map be and the same are hereby amended so as to reflect the foregoing change in the zoning of the above described real property.

That Mr. Newman is hereby directed to submit covenants, as agreed, to the Madison County Zoning Administrator for approval prior to the commencement of any construction on all of said property described above in accordance with the letter agreement by and between John C. Minninger and Jennifer Minninger and W. Richard Newman, IV, dated June 11, 2003, which

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was introduced into evidence at the public hearing on this matter and that he is further directed to provide a buffer zone surrounding said property as indicated on the proposed site plan submitted by Mr. Newman and found in the miscellaneous records of the Board on August 8, 2003 and incorporated herein and made a part hereof by reference.

That Mr. Newman is further granted a variance for the above described real property to allow for a maximum buildable area of 40% and the Board of Supervisors does specifically find that

a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved in which are not applicable to other lands, structures, or buildings in the same district;

b) that the literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

c) that these special conditions and circumstances do not result from the actions of the applicant; and

d) that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

And the Board did specifically find that the reasons set forth above as stated in the petition justify the granting of the variance and that the variance is the minimal variance that will make possible the reasonable use of the land, structure or building and that the granting of the variance will be in harmony with the general purpose intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

ORDAINED, ADOPTED AND APPROVED by the Board of Supervisors of Madison County, Mississippi, at a meeting thereof held on the 22nd day of August, 2003.

That motion for adoption was seconded by Supervisor Paul Griffin, and the foregoing Ordinance having been first reduced to writing was read, considered and approved, section by section, and then as a whole and was submitted to the Board of Supervisors for passage or rejection on roll call vote with the vote being as follows, to wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: No
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2002.

President's Initials: _____

**In the Matter of the Consideration of the Application for
Rezoning Filed by Harbor Life, Inc.**

WHEREAS, Harbor Life, Inc. petitioned and filed an application with the Madison County Board of Supervisors seeking to rezone the following described property from A-1 Agricultural Use District Classification to C-2 Highway Commercial Use District Classification, to-wit:

A tract of land lying and being situated in Madison County, MS containing 3.34 acres, located in the SW¹/₄ of the NE¹/₄ of Section 29, T8N, R3E, and being more particularly described as follows:

Commence at a concrete monument marking the SE corner of the SW¹/₄ of the SE¹/₄ of Section 29, T8N, R3E, Madison County, MS; run thence North 00 degrees 45 minutes 07 seconds East and along the East line of said SW¹/₄ of the SE¹/₄ of Section 29 for a distance of 2,658.03 feet to the SE corner of the SW¹/₄ of the NE¹/₄ of said Section 29; run thence North 00 degrees 15 minutes 00 seconds West for a distance of 719.85 feet along the East line of Clevenger Engineering and Surveying, Inc.'s survey dated April 16, 1999, to the Point of Beginning for the description of a parcel of land described as follows: run thence North 00 degrees 15 minutes 00 seconds West and along the East line of said Clevenger survey for a distance of 506.79 feet to a point; run thence South 89 degrees 45 minutes 00 seconds West for a distance of 286.13 feet to a point; run thence South 15 degrees 47 minutes 02 seconds East for a distance of 2.71 feet to a point; run thence South 03 degrees 46 minutes 31 seconds West for a distance of 317.85 feet to a point; run thence South 17 degrees 46 minutes 04 seconds West for a distance of 110.07 feet to a point; run thence South 89 degrees 00 minutes 16 seconds East for a distance of 120.05 feet to a point; run thence South 36 degrees 13 minutes 42 seconds East for a distance of 96.85 feet to a point; run thence North 89 degrees 45 minutes 00 seconds East for a distance of 165.06 feet to the Point of Beginning.

WHEREAS, the Board of Supervisors did cause to be published an advertisement of public notice to conduct a hearing on said application in the *Madison County Herald*, a newspaper of general circulation within Madison County, notifying the public of the Board's intent to conduct a public hearing on this petition on Friday, August 22, 2003 at 10:00 o'clock a.m.; and

WHEREAS, the date and hour as advertised did arrive and the Board of Supervisors considered said petition and heard evidence as follows, to-wit:

1. Kim Oakes, a representative of Harbor Life, Inc., appeared before the Board of Supervisors and offered testimony in support of Harbor Life's petition for rezoning stating that said corporation intended to construction an adult special need care facility on the property catering to retirement age individuals with special needs and did further inform the Board of Supervisors that said site was located some distance from the nearest public road and would be screened and was surrounded by property owned by Ms. Oakes family.

2. The Board also heard testimony from Jim Martin, an attorney for Marie Wright and Tom Wright and Anna Wright, objecting to the petition of Harbor Life, Inc. Mr. Martin informed the Board of Supervisors that Ms. Oakes was incorrect in stating that said property sought to be rezoned was surrounded by Ms. Oakes family's land. He produced testimony to the effect that the property sought to be rezone was immediately adjacent to his client, Marie Wright's property, and that the proposed building would be constructed within fifty (50) feet of said property line of Ms. Wright. Mr. Martin did further offer further testimony that the petitioner had failed to show that there would be a material change in circumstances of the property in this neighborhood and in fact that the nearest commercially zoned parcel was some 2½ miles away from this site.

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3. The Board of Supervisors also considered testimony from Tom Cook, an attorney representing Mr. & Mrs. Ted Dearman, owners of property in this immediate area. Mr. Cook offered further testimony that there had been no material change in circumstances of this neighborhood to justify rezoning of this matter and that there was no public need for said facility.

4. The Board considered further testimony from Ms. Oakes concerning population increases in Madison County and heard testimony from Mr. Chad Russell, an employee of Harbor Life, supporting the rezoning of the property.

5. The Board heard further objections from Marie Wright who presented an unsigned form which she indicated was presented to her by Ms. Oakes in which she never signed or intended to support and that copies of said form along with letters from Ms. Wright and her family are found in the miscellaneous file to these minutes.

6. The Board also heard testimony from Bill Ridgeway representing Alloy Properties, a company which owns property in this neighborhood, objecting to said rezoning, further testifying that there was no need for commercial zoning in this area and that his client intended to make residential use of its property and that it considered that to be the only appropriate use of any of the parcels in this area.

Following additional discussion of this matter and numerous questions and answers by the members of the Board of Supervisors, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to deny the application of Harbor Life, Inc. due to the fact that there had not been a sufficient showing of material change in the circumstances of the neighborhood in which the property is located and that there was insufficient evidence of a public need for said facility in this area. The vote on said matter being as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials: _____

**In the Matter of the Petition filed by Joseph Ledlow
Seeking a Special Exception to Place a Mobile Home
in a R-2 Residential District**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Joseph Ledlow seeking to place a mobile home in Section 5, Township 8 North, Range 1 West in Madison County, Mississippi in a R-2 Residential District for a public hearing on said matter and informed the Board of Supervisors that the Madison County Planning Commission had recommended its approval.

WHEREAS, the matter was presented to the Board of Supervisors, and after conducting a public hearing thereon and a discussion thereof, Supervisor Karl M. Banks did move the following ordinance be adopted, to wit:

**BE IT ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI, AS FOLLOWS:**

1. That Joseph Ledlow be allowed and granted a special exception for a three year period to place a mobile home in Section 5, Township 8 North, Range 1 West in a R-2 Residential District on property owned by Joseph Ledlow in Madison County, Mississippi, and being further identified as parcel number 51C-06-2/12 according to the most recent tax assessment records of Madison County.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
 - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that no screening is required.
 - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
 - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.

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- h. General compatibility with adjacent properties and other property in the district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor W.T. "Bill" Banks, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being as follows, to wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of the Petition filed by Rosee Etta Bell
Seeking a Special Exception to Expand the Operation of a
Day-Care Facility**

WHEREAS, Mr. Brad Sellers did present a Petition filed by Rosee Etta Bell seeking to expand her operation of a day-care facility in Section 10, Township 8 North, Range 2 East in Madison County, Mississippi located at 141 Ragsdale Road, Madison County, Mississippi for a public hearing on said matter and informed the Board of Supervisors that the Madison County Planning Commission had recommended its approval.

WHEREAS, the matter was presented to the Board of Supervisors, and after conducting a public hearing thereon and a discussion thereof, Supervisor Karl M. Banks did move the following ordinance be adopted, to wit:

**BE IT ORDERED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI, AS FOLLOWS:**

1. That Rosee Etta Bell be allowed and granted a special exception to expand her operation of a day care facility in Section 10, Township 8 North, Range 2 East in her home located at 141 Ragsdale Road being property owned by Rosee Etta Bell in Madison County, Mississippi, and being further identified as parcel number 082B-10-052 according to the most recent tax assessment records of Madison County.
2. The Board of Supervisors does hereby make the following findings certifying compliance with the specific rules governing this special exception and hereby finds that satisfactory provision and arrangement have been made concerning the following, to-wit:
 - a. Ingress and Egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe, the Board hereby finds that the conditions are acceptable for these properties.
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception and adjoining properties and the properties generally in the district; the Board hereby finds that conditions are acceptable for this property.
 - c. Refuse and service areas, with particular reference to items noted above; the Board hereby finds that this is not applicable to this property.
 - d. Utilities, with reference to location, availability and compatibility; the Board hereby finds that utilities are available for this property.
 - e. Screening and buffering, with reference to type, dimensions and character; the Board hereby finds that no screening is required.
 - f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic, safety, economic effect and compatibility in harmony to the properties in the district; the Board hereby finds that this is not applicable to this property and no requirement is made.
 - g. Required yards and other open space; the Board hereby finds that setbacks and open space are readily available for said property.
 - h. General compatibility with adjacent properties and other property in the

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district; the Board hereby finds that conditions for this property are generally compatible with adjacent properties and the conditions are acceptable.

The motion for adoption was seconded by Supervisor Paul Griffin, the foregoing ordinance having first being reduced to writing and read, considered and approved section by section and then as a whole and was submitted to the Board of Supervisors for passage or rejection by the roll call vote with the vote being as follows, to wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of the Consideration of a Request from the Mississippi Metropolitan Ballet Company

WHEREAS, Ms. Lisa Markham, a member of the Mississippi Metropolitan Ballet Company, appeared before the Board of Supervisors and requested that the Board considering leasing a portion of the Madison County Cultural Center building to her organization. The Board while taking no formal action on said matter requested the Board Attorney, Dewey Hembree, to meet with Ms. Markham and determine if a lease arrangement would be feasible for an approximate one year term.

In the Matter of the Approval of November and December Monthly Reports for the Department of Road Management

WHEREAS, Ms. Helen Keller with the Road Department did present to the Board of Supervisors the November Monthly Report and December Monthly Report (Copies of said reports are found in the miscellaneous file to these minutes.)

Following review and discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Karl M. Banks seconded a motion to accept and approve the foregoing reports as set forth above as submitted by the Road Manager and acknowledge the copies of same are on file in the miscellaneous file to these minutes. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2002.

President's Initials:_____

In the Matter of an Order Authorizing Placement of Culverts Along Public Roads Necessary for the Preservation and Maintenance of County Roads and Determining That Such Culverts Are of Public Benefit

WHEREAS, the Board of Supervisors has received requests from the Road Department for the installation of culverts as follows:

Ron Cox – Lot 29 Wildwood Cove
Norman Gannon – 710 & 712 King Ranch Road
Benjamin Phillips – 166 Abernathy Road
Clyde Dinkins – 866 Way Road

Following review and discussion, Supervisor W.T. “Bill” Banks moved and Supervisor Karl M. Banks seconded a motion to approve the Road Department installing the above stated culverts, finding that such placement is necessary for the preservation and maintenance of County Roads and that the installing of such culverts are of public benefit. The vote on said matter was as follows, to-wit:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

In the Matter of Authorization of Advertisement for Bids a Roof on the Facility Occupied by the Madison County Road Department and Others

WHEREAS, the Board of Supervisors next discussed the problems associates with a leaking roof at the Madison County Road Department which has caused some damage to facilities in said building and determined that it would be in the best interest of the citizens of Madison County to authorize the County Administrator, Brad Sellers, to develop some specifications and advertise for the receipt of bids to repair the leaks in the roof at said facility and/or reconstruct a new roof for said facility.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the County Administrator, Brad Sellers, to advertise for receipt of bids for repairs and/or construction of a new roof to prevent further damages to the users of the building of the Madison County Road Department. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Acknowledging the Receipt of a
Check from the Mississippi Emergency Management
Agency to the Madison County**

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and presented a check to the Madison County Board of Supervisors from the Mississippi Emergency Management Agency in the amount of \$31,859.32 for overtime expenses spent by the Sheriff and Road Department for debris removal during the flood event that occurred in the Spring of 2003.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to acknowledge receipt of the funds from the Mississippi Emergency Management Agency for overtime expenses spent by the Sheriff and Road Department for the reason as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of Authorization of Engineering Services for the Design and Construction of the Calhoun Station Parkway and a Bridge Project at McClellan Street/Ridgecrest Drive

WHEREAS, the Board of Supervisors next considered a request from the Mississippi Development Authority and the Mississippi Department of Transportation to authorize plans and specifications to be developed in conjunction with the Calhoun Station Parkway to tie into the new proposed interchange to be constructed by the MDOT; and

WHEREAS, the Board of Supervisors also desired to authorize the design and specification to be prepared for a new bridge system to be constructed at McClellan Street and Ridgecrest Drive.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize Rudy Warnock, County Engineer, to develop a set of plans and specifications for the construction of the Calhoun Station Parkway to provide a connection with existing county roads and a proposed interchange to be constructed by the Mississippi Department of Transportation and to further authorize Mr. Warnock, as County Engineer, to prepare plans and specifications for a new bridge to be constructed at McClellan Street and Ridgecrest Drive having first determined that professional services were necessary and in the best interest of the citizens of Madison County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of the Approval of Utility Permits

WHEREAS, Mr. Rudy Warnock with Warnock & Associates, LLC did present unto the Board of Supervisors the following Utility Permits:

BellSouth Telecommunications – to place cable to provide service on Rice Road

BellSouth Telecommunications – to place cable in connection with Nissan Project on Hoy Road

Time Warner Cable – to place underground CATV cable and to place above ground pedestals on Old Canton Road

Following additional discussion of this matter, Supervisor W.T. “Bill” Banks moved and Supervisor Marc Sharpe seconded a motion to approve the President signing the Utility Permits for BellSouth Telecommunications and Time Warner Cable as set forth above per the terms contained in said permits, copies of which are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

In the Matter of Acknowledging a New Temporary Employee at the Madison County Tax Collector’s Office

WHEREAS, Kay Pace, Tax Collector for Madison County, has requested the Board of Supervisors to approve the temporary employment of Jo Durrett at a hourly rate \$10.50/hour for approximately 24 hours a week.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to authorize the temporary employment of Jo Durrett at an hourly rate of \$10.50/hour for approximately 24 hours per week, and that a copy of said request is found in the miscellaneous file to these minutes. The vote on said matter was as follows, to-wit:

Supervisor W. T. “Bill” Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President’s Initials:_____

In the Matter of Authorizing the Advertising for Bids for Construction on North Livingston Road, State Aid Project No. SAP-45(52)

WHEREAS, Mr. Joe Johnson, State Aid Engineer, appeared before the Board of Supervisors and requested authority to advertise for bids for a construction project on State Aid Project SAP-45(52) being North Livingston Road and requested that said advertisement be run in the August 28, 2003 and September 4, 2003 additions of the *Madison County Herald*, a newspaper of general circulation within Madison County, and that said advertisement further request that said bids be received on or before September 26, 2003 at 10:00 a.m. and that a copy of a Notice to Contractors is found in the miscellaneous file to these minutes for this project.

Following additional discussion of this matter, Supervisor W.T. "Bill" Banks moved and Supervisors Karl M. Banks seconded a motion to authorize the advertisement for bids as set forth above and requested by Mr. Joe Johnson for the North Livingston Road project known as SAP-45(52) and that a copies of said plans and specifications should be on file with the Clerk of this Board. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

In the Matter of Authorizing the Advertising for Bids for Construction on Mullinville and Endris Roads, Local System Bridge Project No. LSBP-45(6)

WHEREAS, Mr. Joe Johnson, State Aid Engineer, appeared before the Board of Supervisors and requested authority to advertise for bids for a construction project on Local System Bridge Project LSBP-45(6) being Mullinville Road and Endris Road and requested that said advertisement be run in the September 4, 2003 and September 11, 2003 additions of the *Madison County Herald*, a newspaper of general circulation within Madison County, and that said advertisement further request that said bids be received on or before October 6, 2003 at 10:00 a.m. and that a copy of a Notice to Contractors is found in the miscellaneous file to these minutes for this project.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisors W.T. "Bill" Banks seconded a motion to authorize the advertisement for bids as set forth above and requested by Mr. Joe Johnson for the Mullinville Road and Endris Road project known as LSBP-45(6) and that a copies of said plans and specifications should be on file with the Clerk of this Board. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Aye
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Settling a Claim of Damages by
Andy and Ann Moak**

RESOLUTION

WHEREAS, the Board of Supervisors has previously received a claim of Andy Moak and Ann Moak for damages sustained by them due to flooding of their home located at 124 Woodland Hills Blvd, Madison, Mississippi as a result of construction work on a drainage easement owned and maintained by Madison County and further as a result of certain construction activities approved by Madison County in said area; and

WHEREAS, the Board of Supervisors after investigating said matter fully did determine that it would be in the best interest of the citizens of Madison County to settle this claim of the Moaks without admission of any liability and to avoid potential costly litigation in defending said claim and therefore settled said matter for the sum of \$7,068.43.

NOW BE IT THEREFORE RESOLVED BY THE SUPERVISORS OF MADISON COUNTY, MISSISSIPPI that the Clerk of this Board is hereby directed to pay the sum of \$7,068.43 to Andy Moak and Ann Moak for the settlement of a claim in lieu of threatened litigation provided that the Moaks execute a full release and settlement of their claim and that the Board Attorney is authorized and directed to prepare said documentation as necessary to conclude the claim.

After discussion on the matter, Supervisor Marc Sharpe offered and moved for the adoption of the above and foregoing Resolution (a copy of which is found in the miscellaneous file to these minutes), which was seconded by Supervisor Paul Griffin. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of the Consideration of a Petition for Reduction in Assessment of Taxes

WHEREAS, the Board of Supervisors was presented with a petition for reduction in assessment of taxes in the amount of \$2,309,918.00 which was as follows, to-wit:

<u>Name</u>	<u>Parcel No.</u>	<u>Amount</u>	<u>Reason</u>
Falcon Products, Inc.	1328.000	\$1,150,308.00	MS Code §27-35-143(7)
Falcon Products, Inc.	14087.000	\$1,159,610.00	MS Code §27-35-143(7)

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to approve the reduction in tax assessments as requested by the taxpayer in the amount and for the reason as set forth above and that a copy of said petition is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22nd day of August, 2003.

In the Matter of Acknowledging the Receipt of a Check from Zurich Insurance Company to the Madison County Sheriff's Department

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and presented a check in the amount of \$10,260.99 he received from Zurich Insurance Company representing proceeds due Madison County as a result of a wreck of a Sheriff's Department vehicle.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of the check from Zurich Insurance Company in the amount of \$10,260.99 for proceeds for property damage to a vehicle used by the Madison County Sheriff's Department. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Adoption of a Local Government
Resolution Approving the Application for a Grant**

WHEREAS, Sheriff Toby Trowbridge appeared before the Board of Supervisors and requested the Board authorize the Board President to execute a grant application for a local government program to receive the sum of \$25,000 from the Office of Highway Safety being a grant known as the Madison County Lifesaver 2004 and to authorize an in-kind match of equipment and other items for said grant totaling \$25,000.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute an application for a local government grant in the amount of \$25,000 from the Office of Highway Safety being a grant known as the Madison County Lifesaver 2004 and to further authorize the in-kind match of \$25,000 as recommended by the Sheriff, and that a copy of the local governmental resolution regarding this grant is found in the miscellaneous file to these minutes. The vote on said matter was as follows, to-wit:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Approving a Lease
Contract for 16th Section Property**

WHEREAS, the Madison County School Board has approved the following 16th Section Lease and forwarded it to the Board for review and approval (copy of said Lease can be found in the Miscellaneous File to these Minutes):

Lessee – C. York Craig, III and wife, Jennifer R. Craig
located as Lot 171 of Sherbourne Subdivision, Part 4
Madison County, Mississippi
Term of Lease - 40 years

<u>Year</u>	<u>Annual Rent</u>
1-5	\$256.66
6-10	\$279.99
11-15	\$303.32
16-20	\$326.65
21-25	\$349.98
26-30	\$373.31
31-35	\$396.64
36-40	\$419.97

Following discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to approve the 16th Section Lease, as set forth above, as submitted by the Madison County School Board. The vote on said matter was as follows:

Supervisor W. T. “Bill” Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Absent
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Authorizing a Sub-Lease Agreement
With the Town of Flora**

WHEREAS, the Board of Supervisors has received a request from the Town of Flora to sub-lease a facility leased by Madison County on 119 Clark Street in Flora, Madison County, Mississippi for the same consideration as that paid by a previous tenant of said property.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board Attorney to prepare a sub-lease agreement with the Town of Flora for the premises located at 119 Clark Street in Flora, Mississippi pursuant to similar terms and conditions as authorized for the previous tenant. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

**In the Matter of the Approval of an Application and
Certificate of Payment from C.E. Frazier Construction Co.
for Construction Work to the Madison County
Corrections Facility, Jail Housing Unit "B"**

WHEREAS, the Board of Supervisors received an application and certificate for payment submitted for and on behalf of C.E. Frazier Construction Co. for construction work performed on that contract regarding Phase Two for the Madison County Jail Housing Unit B Sheriff's Complex in the amount of \$273,215.25 being Application No. 15.

WHEREAS, the Board of Supervisors, after reviewing the approval of the architects on said project, determined that it was in the best interest of Madison County, Mississippi to approve the application and certificate of payment as submitted and to request the funds from the \$13 million revolving loan program and to further amend the current fiscal year budget of Madison County to reflect the payment of said amounts.

Following discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to approve the application and certificate for payment as set forth above and that a copy of said application and certificate of payment is found in the miscellaneous file to these minutes and to further request the funds from the \$13 million loan program and to further amend the current fiscal year budget to reflect this transaction. The vote on said matter was follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials: _____

**In the Matter of Approval of the Disbursement of
Grant Proceeds for Construction on the Camden
Public Library**

WHEREAS, the Board of Supervisors received a request from the Madison County Library System to appropriate and approve the disposition of \$22,296.74 in grant proceeds to be used in the construction expenses associated with the construction of the Camden Public Library and that a copy of the letter and supporting documentation is found in the miscellaneous file to these minutes.

Following additional discussion of this matter, Supervisor Paul Griffin moved and Supervisor Karl M. Banks seconded a motion to authorize the disbursement of the sum of \$22,296.74 in grant proceeds for construction expenses associated with the construction of the Camden Public Library, and that a copy of letter and other documentation justifying said expenditures is found in the miscellaneous file to these minutes, and that said letter should be signed by the Board President indicating the approval of Madison County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of the Approval of Amending the Budget for the Madison County Coroner and Approval of the Expenditure of Funds

WHEREAS, Ms. Kathryn Smith with the Madison County Coroner's Office submitted a request to the Board of Supervisors for items needed in the operation of the Coroner's Office and that the items requested are as follows, to-wit:

10 Packages/20 packs 990 Polaroid Film Roper Supply-Picayune, MS	\$333.33
24 Body Bags Bass-Mollett Publishers, Inc.	\$876.00
24 Full Size Mainstay Sheets Wal-Mart	\$131.28
TOTAL	\$1,340.61

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to approve the expenditure of funds as requested above to the Madison County Coroner's Office and to further amend the current fiscal year budget for the Coroner to reflect this transaction, and that a copy of a memo from the Coroner's Office is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of Authorization of Board President to Execute a Letter Requesting Funds for the Mississippi Major Economic Impact Authority

WHEREAS, the Board of Supervisors has previously entered into an agreement with the MS Major Economic Impact Authority and the Mississippi Department of Transportation to provide financial assistance in regard to the construction of the Nissan facility and infrastructure therewith and that the MS Major Economic Impact Authority has submitted invoices and requested payment pursuant to the terms and conditions of the agreement with the County for the sum of \$1,152,988.74; and

WHEREAS, the Board of Supervisors desires to submit payment to the MS Major Economic Impact Authority for said sum of money provided that the figures are verified by Mr. Wallace Collins, CPA.

Following additional discussion of this matter, Supervisor Marc Sharpe offered and Supervisor Karl M. Banks seconded a motion to authorize the Board President to sign a letter to Trustmark National Bank requesting transfer of the \$1,152,988.74 to the MS Major Economic Impact Authority upon the approval of the figures as submitted by Mr. Wallace Collins, CPA for an on behalf of Madison County, and that a copy of said letter is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Absent

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board, as being duly carried on this the 22nd day of August, 2003.

In the Matter of Requesting the Board Attorney to Provide Information in Connection with the Fiscal Year Audit Ending September 2002

WHEREAS, Mr. Wallace Collins with Collins & Corbin appeared before the Board of Supervisors and presented a letter to the Board Attorney, Dewey Hembree, requesting certain information associated with the fiscal year end audit ending September 30, 2002 and requested that the services of the attorney be engaged to assist in this matter.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute a letter to Dewey Hembree, requesting certain legal services in connection with the fiscal year end audit ending September 30, 2002 and that copies of said letter are found in the miscellaneous file to these minutes and the Board determined that said professional services were necessary and in the best interest of the citizens of Madison County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Absent

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of Acknowledging Receipt of a Check from BFI

WHEREAS, the Board of Supervisors received a check from BFI Industries in the amounts of \$41,756.79 representing tipping fees due Madison County under that contract between Madison County and BFI.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of a check from BFI Industries in the amount of \$41,756.79 for tipping fees due Madison County as a result of the contract between BFI and Madison County. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Absent

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

In the Matter of Acknowledging Receipt of the Public Utility Roll

WHEREAS, the Board of Supervisors has received the Public Utility Roll from the State of Mississippi through the Madison County Tax Assessor's Office and desires to acknowledge receipt of same.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to acknowledge receipt of the Public Utility Roll for those properties in Madison County, Mississippi, and that a copy of said roll as submitted by the Madison County Tax Assessor is found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Absent

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Authorization of the County Engineer,
Rudy Warnock, to Receive and Open Bids for
Equipment with Operator and Installation of Guardrails**

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and presented a request to open bids received by the County Administrator for equipment with operator and installation of guardrails to be received by the Board of Supervisors on or before 10:00 a.m. on Friday, August 29, 2003 in an open proceeding in the Board room of the Madison County Chancery Administrative Building and to submit said bids to the Board of Supervisors at its next regularly scheduled meeting to be conducted on Tuesday, September 2, 2003.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize Rudy Warnock, County Engineer, to open bids received by the County Administrator for equipment with operator and installation of guardrails to be received by the Board of Supervisors on or before 10:00 a.m. on Friday, August 29, 2003 in an open proceeding in the Board room of the Madison County Chancery Administrative Building and to submit said bids to the Board of Supervisors at its next regularly scheduled meeting to be conducted on Tuesday, September 2, 2003. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Absent

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of Amending the Budget for the Current Fiscal Year

WHEREAS, Mr. Wallace Collins with Collins & Corbin CPA's appeared before the Board of Supervisors and presented the budget update and requested to the Board of Supervisors to amend the current fiscal year budget as follows:

		Current Budget	Increase (Decrease)	Amended Budget
001-000-201	Motor Vehicle/Ad Valorem	\$2,583,000.00	\$100,000.00	\$2,683,000.00
001-000-230	Justice Court Fines	\$525,000.00	\$50,000.00	\$575,000.00
001-000-261	Reimb State Welfare Dept	\$40,000.00	\$78,000.00	\$118,000.00
001-000-330	Interest Income	\$30,000.00	\$15,000.00	\$45,000.00
001-000-340	Refunds	\$535,000.00	\$90,000.00	\$625,000.00
001-000-381	Proceeds from L-T Notes	\$225,000.00	(\$225,000.00)	---
001-100-509	Deannexation	\$75,000.00	(\$75,000.00)	---
001-166-603	Office Supplies	\$15,756.52	\$3,000.00	\$18,756.52
001-166-919	Other Machinery \$ Equip	\$1,062.00	\$2,000.00	\$3,062.00
001-000-952	Unallocated Supplies	\$188,338.26	\$178,052.20	\$366,390.46
001-200-501	Postage & Box Rent	\$6,871.20	\$1,000.00	\$7,871.20
001-200-542	Vehicle Repairs	\$56,938.24	\$25,000.00	\$81,938.24
001-200-543	Equipment Repair	\$6,060.36	\$5,000.00	\$11,060.36
001-200-544	Maint Contracts	\$10,737.35	\$3,000.00	\$13,737.35
001-200-613	Law Enforcement Supplies	\$30,598.00	\$5,000.00	\$35,598.00
001-200-615	Other Prof Supplies	\$8,000.00	\$1,000.00	\$9,000.00
001-200-680	Tires	\$10,000.00	\$1,000.00	\$11,000.00
001-220-540	Building & Ground Repair	\$74,000.00	(\$41,000.00)	\$33,000.00

Following discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to amend the current fiscal year budget by making the changes to the items as set forth above. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Absent
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials: _____

In the Matter of Authorization of the Board President to Execute Professional Services Agreement with Warnock & Associates for Engineering Services for the Design and Construction of the Calhoun Station Parkway and a Bridge Project at McClellan Street/Ridgecrest Drive

WHEREAS, Mr. Rudy Warnock, County Engineer, appeared before the Board of Supervisors and presented Professional Service Agreements by and between Madison County, Mississippi and Warnock & Associates, LLC for preparation of plans and specifications to be developed in conjunction with the Calhoun Station Parkway to tie into the new proposed interchange to be constructed by the MDOT; and

WHEREAS, Mr. Warnock further requested the Board of Supervisors to execute a Professional Services Agreement for the design of plans and specifications to be prepared for a new bridge system to be constructed at McClellan Street and Ridgecrest Drive.

Following additional discussion of this matter, Supervisor Karl M. Banks moved and Supervisor Marc Sharpe seconded a motion to authorize the Board President to execute Professional Services Agreement by and between Rudy Warnock, County Engineer, and Madison County, Mississippi to develop a plans and specifications for the construction of the Calhoun Station Parkway and a Professional Services Agreement to prepare plans and specifications for a new bridge to be constructed at McClellan Street and Ridgecrest Drive, having first determined that professional services were necessary and in the best interest of the citizens of Madison County, and that a copy of said Professional Services Agreements are found in the miscellaneous file to these minutes. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

In the Matter of the Continuation of the Objections to the Property Tax Rolls

WHEREAS, the Board of Supervisors has received objections to the property tax rolls as submitted and equalized by the Board of Supervisors and desires to continue its review of said objections on a day-to-day basis and desires that said protest be considered at the next regularly scheduled meeting of the Board of Supervisors on August 27, 2003.

Following additional discussion of this matter, Supervisor Marc Sharpe moved and Supervisor Paul Griffin seconded a motion to continue its review of the objections to the property tax rolls for further consideration on August 27, 2003 at 10:00 a.m. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

President's Initials:_____

**In the Matter of Extending a Resolution Proclaiming
a State of Emergency**

**RESOLUTION REQUESTING GOVERNOR TO PROCLAIM
A STATE OF EMERGENCY**

WHEREAS, on April 7, 2003, the Board of Supervisors of the County of Madison found that due to the impact of flood and severe storm, a condition of extreme peril to life and property did exist in Madison County; and

WHEREAS, on April 11, 2003, April 18, 2003, April 25, 2003, May 2, 2003, May 5, 2003, May 9, 2003, May 16, 2003, May 23, 2003, May 30, 2003 June 2, 2003, June 6, 2003, June 13, 2003, June 27, 2003, July 3, 2003, July 7, 2003, July 11, 2003, July 18, 2003, July 25, 2003, August 1, 2003, August 4, 2003, August 8, 2003 and August 15, 2003 in accordance with State Law 33-15-17(d) the Board of Supervisors declared that an emergency continued to exist throughout said county; and

WHEREAS, the Board determines that said State of Emergency still exist and should be extended an additional seven (7) days;

NOW THEREFORE, IT IS HEREBY DECLARED AND ORDERED that a State of Emergency in Madison County be extended an additional seven (7) days; and

Following additional discussion, Supervisor Karl M. Banks moved and Supervisor Paul Griffin seconded a motion to extend the Proclamation of a State of Emergency. The vote on said matter was as follows:

Supervisor W. T. "Bill" Banks - District I	Voted: Absent
Supervisor Marc Sharpe - District II	Voted: Aye
Supervisor David H. Richardson - District III	Voted: Aye
Supervisor Karl M. Banks - District IV	Voted: Aye
Supervisor Paul Griffin - District V	Voted: Aye

The motion having received the affirmative vote of the Board members present, was declared by Mr. David H. Richardson, President of said Board as being duly carried on this the 22nd day of August, 2003.

There being no further business to come before the meeting of the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor Paul Griffin and seconded by Supervisor Marc Sharpe and approved by the unanimous vote of those present, the meeting of the Board of Supervisors was recessed until Wednesday, August 27, 2003 at 10:00 a.m.

David H. Richardson, President
Madison County Board of Supervisors

President's Initials:_____